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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,936	08/23/2001	Donald G. Carpenter		1440

7590

07/05/2005

LANGDALE, VALLOTTON ET AL.  
1007 North Patterson Street  
Valdosta, GA 31603

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EV

**DETAILED ACTION**

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS  
OF 37 CFR 41.37(c)**

1. The brief does not contain the items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated.
2. The brief does not contain a statement under an appropriate heading identifying by name the real party in interest as required by 37 CFR 41.37(c)(1)(i).
3. The brief does not contain a section under an appropriate heading identifying the related appeals, interferences, and judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal as required by 37 CFR 41.37(c)(1)(ii).

***Response to Amendment***

4. Personal declaration on the merits of the invention by the inventor has been considered and found moot. Additionally, the Inventor's declaration is not considered as an evidence to overcome Office rejection per 35 USC § 101. See MPEP § 608.03 and 37 CFR 1.91.

Art Unit: 2834

5. Applicant is given a **ONE MONTH** time period to correct issues stated in this NOTIFICATION OF NON-COMPLIANCE under provisions of 37 CFR 41.37. Extensions of time may be obtained under the provisions of 37 CFR 1.136. Failure to provide timely response will result in **ABANDONMENT** of the application.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service  
Phone: (571) 272-2815

np  
March 29, 2005



**Nicholas Ponomarenko  
Primary Examiner  
Technology Center 2800**